

July 13, 2012

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***Via Electronic Mail [phillips.pam@epa.gov](mailto:phillips.pam@epa.gov) and Hand Delivery***

Pam Phillips  
Acting Division Director  
Superfund Division  
U.S. EPA Region 6  
1445 Ross Avenue  
Suite 1200  
Dallas, TX 75202

Re: Follow-up to Meeting Regarding Deferral of the Listing of the US Oil Recovery Site in Pasadena, Texas, on the National Priorities List, Docket Number EPA-HQ-SFUND-2011-0653

Dear Ms. Phillips:

Thank you for meeting with representatives of the U.S. Oil Recovery PRP Group (the "Group") on June 28, 2012, regarding the Group's request for your support of a deferral of the listing of the US Oil Recovery Site in Pasadena, Texas (the "Site"), on the National Priorities List. As we discussed, the Group, which began as eight parties, is now composed of eighty (80) companies.

In addition to significantly expanding its ranks and its ability to plan and implement specific removal actions at the Site, the Group has taken strong actions to: (1) ensure the long-term security and stability of the Site under the control of a Receiver specifically tasked with cleaning up the Site; (2) ensure that off-site releases of materials do not occur from the Site; (3) develop a sufficiently large Group to address long-term assessment and removal of materials on the surface of the Site; (4) obtain approval of work plans to address site security and stabilization, and the removal of the bioreactor that presents the greatest threat of an off-site release; (5) begin the work necessary to remove the bioreactor; and (6) prepare for the removal of materials in the containment pond, roll-off boxes, and other units at the Site. As a result of the Group's efforts, the Site is more secure and the likelihood of any future off-site impact has decreased significantly.

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The Group's actions have formed a solid foundation for further and steady progress at the Site. In addition, these actions and the Group's interest in maintaining and expanding upon these actions will allow EPA to conserve its resources such that they may be directed to other sites.

As an example, the Group developed, and obtained EPA's approval, of a work plan to remove the contents of the bioreactor, which is the unit that poses the greatest potential for failure and release from the Site. The removal of liquids from the bioreactor began this week and is projected to be completed during the week of July 23, 2012. As part of this effort, the Group worked with Adam Adams on the content of a Fact Sheet designed to keep the community and other interested stakeholders informed of developments at the Site. The Group will continue to work with EPA on these outreach efforts as further work at the Site is planned and performed.

Effective Environmental began liquids removal on July 10, 2011. Effective Environmental removed approximately 243,900 gallons of liquid by the end of July 12, 2012, and reached the solids phase of the material in the west side of the bioreactor. We have enclosed photographs depicting the condition of the bioreactor before liquids removal began and following the completion of the second day of work. As you can see, even just this initial work has resulted in a dramatic reduction in the threat to the environment posed by the bioreactor and further reductions will occur in the coming days as additional work is being conducted on the east side of the bioreactor. The Group appreciates the assistance of Adam Adams and Ed Quinones in facilitating this important work.

In our discussion, you indicated a willingness to consider supporting the Group's request for a continued deferral of the listing of the Site. In an effort to address your interest in ensuring continued steady progress at the Site, the Group has prepared the enclosed detailed preliminary projected schedule of activities to be conducted at and in association with the Site..

First and foremost on the list of activities is a pre-RI/FS investigation of the Site's history and its prior owners and operators. Immediately following our discussion, the Group initiated efforts to obtain access to TCEQ's and Harris County's files related to the Site's former owners and operators.

We also contacted Mr. Quinones to obtain access to available information obtained by EPA with respect to the Site's former owners and operators. As part of this effort, at Mr.

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Quinones's suggestion, we have sent a FOIA request to EPA for all information and/or 104(e) responses by former owners and operators.

The Group believes that such an investigation is an essential element in continuing discussions with EPA related to the RI/FS process. We appreciate your assistance in this regard and look forward to working with you in this effort.

You will further note that the enclosure proposes additional removal activities to be performed at the Site. The Group has attempted to prioritize these activities such that the areas of greatest potential impact are addressed first. For example, Harris County indicated a strong interest in identifying and addressing potential odor sources at the MCC site. The Group has begun the planning work necessary to address this issue.

The Group would appreciate EPA's feedback with respect to the prioritization tentatively set forth in the preliminary projected schedule of activities. We will continue discussions with Mr. Adams, with TCEQ, and with Harris County with respect to these issues. The Group believes that completion of the removal activities at the Site is the logical and necessary next step that will assist EPA and the Group in discussions regarding the scope of any future investigations of the Site.

In conclusion, the Group requests your support of its request that EPA continue to defer the listing of the Site until at least such time as the removal actions contemplated for the Site have been completed. The Group will be working closely with your office during this period. If you have any questions or require any additional information, please contact me at your convenience.

Sincerely,



Constance Courtney Westfall  
Co-Chair, U.S. Oil Recovery Site, PRP Group

CCW:ct  
Enclosures

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cc: Ed Quinones, Assistant Regional Counsel, EPA Region 6  
Beth Seaton, TCEQ, Director, Remediation Division  
Ashley K. Wadick, TCEQ, Regional Director, Houston Regional Office  
Charmaine Backens, TCEQ, Litigation Division  
Heather D. Hunziker, Texas Attorney General's Office  
Bob Allen, Harris County Pollution Control Services  
Rock Owens, Harris County Attorney's Office  
Eva S. Engelhart, Ross, Banks, May, Cron and Cavin, P.C.